

REMARKS

Claims 1-20 are pending in the present case. Claims 1, 5, 8 and 11 have been amended herein. No new matter has been added. The Examiner has indicated that Claims 16-20 are allowed. Applicants wish to thank the Examiner for indicating Claims 16-20 are allowable.

The Examiner has also indicated that Claims 2-4, 6-7 and 10 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended Claims 1, 5, 8 and 11 according to the Examiner's suggestions for overcoming the 101 rejection to put the claims in condition for allowance as stated by the Examiner in the present after final amendment under 37 CFR 1.116.

Applicants submit that Claims 1-20 overcome the rejections and objections of record and are in condition for allowance. Allowance of Claims 1-20 is earnestly solicited.

CLAIM REJECTIONSU.S.C. 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants wish to thank the Examiner for identifying the repeat use of the article “a” and Applicants have amended Claim 1 to overcome the rejection. As such, Applicants submit that Claim 1 is in condition for allowance and allowance of Claim 1 is earnestly solicited.

U.S.C. 101

Claims 1, 5, 8-9 and 11-15 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. Applicants have amended Claims 1, 5, 8 and 11 according to the Examiner’s suggestions for overcoming the 101 rejection to put the claims in condition for allowance as stated by the Examiner in the present after final amendment under 37 CFR 1.116.

Specifically, Claim 1 has been amended to include the limitation “outputting said price that maximizes revenue in a tangible form which is a communication perceivable to a user of said method.” Claim 5 has been amended to include the limitation “outputting said price that maximizes revenue in a tangible form which is a communication perceivable to a user of said method.” Claim 8 has been amended to include the limitation “outputting said price that maximizes revenue in a tangible form which is a communication

perceivable to a user of said method.” Claim 11 has been amended to include the limitation “outputting said price that maximizes revenue in a tangible form which is a communication perceivable to a user of said method.”

As such, Applicants submit that Claims 1, 5, 8-9 and 11-15 directed to statutory subject matter and Applicants request the rejection be removed and request Claims 1, 5, 8-9 and 11-15 be allowed.

Applicants submit that Claims 1-20 overcome the rejections and objections of record and are in condition for allowance. Allowance of Claims 1-20 is earnestly solicited.

ALLOWBLE SUBJECT MATTER

Applicants wish to thank the Examiner for indicating allowable subject matter. Applicants submit that Claims 1-20 overcome the rejections and objections of record and are in condition for allowance. Allowance of Claims 1-20 is earnestly solicited.

CONCLUSION

In light of the above remarks and amendments, Applicants respectfully request reconsideration of the rejected Claims. Applicants submit that Claims 1-20 overcome the rejections and objections of record and are in condition for allowance. Allowance of Claims 1-20 is earnestly solicited.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO L.L.P.

Dated: 12/18/, 2006



John P. Wagner, Jr.
Registration No. 35,398

WESTRIDGE BUSINESS PARK
123 WESTRIDGE DRIVE
WATSONVILLE, CALIFORNIA 95076

(408) 938-9060